

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

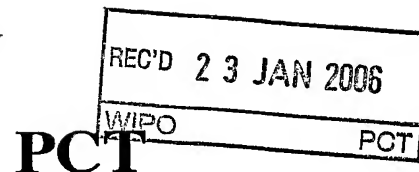
Applicant's or agent's file reference 069547.0228	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2004/036125	International filing date ( <i>day/month/year</i> ) 28 October 2004 (28.10.2004)	Priority date ( <i>day/month/year</i> ) 18 November 2003 (18.11.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ESPEED, INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 22 May 2006 (22.05.2006)
Facsimile No. +41 22 740 14 35	Authorized officer  <div style="text-align: center; font-weight: bold;">Simin Baharlou</div>
Telephone No. +41 22 338 71 30	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY



To:  
SAMIR A. BHAVSAR  
BAKER BOTTS LLP  
2001 ROSS AVENUE  
DALLAS, TX 75201.

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **18 JAN 2006**

Applicant's or agent's file reference

**FOR FURTHER ACTION**

See paragraph 2 below

069547.0228

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/36125

28 October 2004 (28.10.2004)

18 November 2003 (18.11.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06f 17/60 and US Cl.: 705/37

Applicant

ESPEED, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Date of completion of this  
opinion

06 December 2005 (06.12.2005)

Authorized officer

Hyung S. Souh

Telephone No. 571-272-3600

Facsimile No. (571) 273-3201

Form PCT/ISA/237 (cover sheet) (April 2005)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/36125

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/36125

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>1-42</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-42</u>	NO
Industrial applicability (IA)	Claims <u>1-42</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Claims 1-42 lack an inventive step under PCT Article 33(3) as being obvious over McGarry et al. Independent claims 1, 5, 9 and 26 each lack an inventive step based on the prior art of McGarry. Dependent claims 2-4, 6-8, 10-25 and 27-42 also lack an inventive step as being obvious over McGarry.

The claimed invention provides systems and methods for managing relationships between the parties involved in a trading network using a messaging format, exemplified by claim 1, which is called "a method of managing messages in a trading network."

Regarding independent claim 1, as exemplary, McGarry discloses a system for capturing trade information (Title). McGarry's method, though not identical to that of Applicant's invention, suggests each element of claim 1. McGarry's method has a storage means available to each user ([0039]. Trading orders or "deals" are received and "captured" for pre trade processing, execution and post trade processing and are categorized into workflow stages (p. 3, [0051]). Electronic communications are moved along by each user to the next user or group of users (Fig. 1). User relationships are established for each action state of a trade (p. 4, [0066]-II. 1-3). Users are identified in sequence with appropriate authorizations for viewing and action, and user relationships. Users may specify which users or groups of users should be prompted to process an action ticket ([0066]-II. 8-10). A carrier message is contained in each communication which is the primary action focus of the message. Each dependent claim is obvious detail to McGarry's disclosure. It would have been obvious to an ordinary practitioner of the invention at the time of Applicant's invention to have applied the McGarry disclosure to provide computer automated systems and methods for managing relationships between the parties involved in a trading network using a messaging format, motivated by the need to enhance the efficiency and effectiveness of back office trade processing (McGarry, page 1, [0004]-[0005]).

Claims 1-42 meet the criteria set out in PCT Article 33(4), and thus contain industrial applicability because the subject matter claimed can be made or used in industry.